

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
vs.) No. 03-30047-MAP
)
MELVIN RICHARDSON)

MOTION IN LIMINE

Now comes Melvin Richardson, defendant in the above entitled indictment, and moves this Honorable Court for an order in limine preventing the Government from introducing at trial the contents of the defendant's oral, wire, or electronic communications intercepted on or about October 15, 2003 and asserts as his basis therefore the following:

1. The defendant's oral, wire, and electronic communications were intercepted and recorded by agents of the Government on October 15, 2003;
2. The interception of the defendant's oral, wire, and electronic communications was warrantless and recorded without the defendant's consent;
3. At all times material hereto the oral, wire and electronic communications, which were intercepted and recorded were communications made from the defendant's residence;
4. The recordings taken as a whole contain unintelligible portions which render the probative value of the recordings unreliable.
5. The Confidential Informant, who was a party to the communication which was recorded, has become unavailable as a result of the Government's failure to disclose his address sufficiently timely pretrial in order to permit the defendant to have him served with process compelling his appearance in violation of the defendant's rights under the Sixth and Fourteenth Amendments to the United States Constitution;
6. The disclosure of the recordings at trial are prohibited by Title 18 U.S.C. §2515.

WHEREFORE, the defendant asserts the recordings which were made by the agents of the Government should not be admitted at the trial of this indictment insofar as the introduction of such evidence would be in violation of the defendant's Statutory and Constitutional Rights.

Respectfully submitted,

THE DEFENDANT

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CERTIFICATE OF SERVICE

I, Vincent A. Bongiorni, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to Assistant United States Attorney Paul Smyth, 1550 Main Street, Springfield, MA 01103 this 7 day of March 2006.

/s/ Vincent A. Bongiorni
Vincent A. Bongiorni